

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application for Reissue of
U.S. Patent No. 6,206,477

Inventor: WILLIAM V. REXUS, ET AL.

For: YARD WASTE HANDLING
APPARATUS

Issued: March 27, 2001

REISSUE APPLICATION DECLARATION BY THE INVENTORS
AND POWER OF ATTORNEY

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

As a below-named inventor, I, William V. Rexus, hereby declare that I am a citizen of the United States with a residence and post office address of 200491 County Road P, Gering, Nebraska 69341.

As a below-named inventor, I, Douglas A. Rexus, hereby declare that I am a citizen of the United States with a residence and post office address of 2002 Broadway, Mitchell, Nebraska 69357.

We believe we are the original, first and co-inventors of the subject matter which is described and claimed in U.S. Patent No. 6,206,477, granted March 27, 2001, and for which a reissue patent is sought on the invention entitled YARD WASTE HANDLING APPARATUS, the specification of which is attached hereto, filed May 20, 1999, as application Serial No. 09/316,127.

1 We hereby state that we have reviewed and understand the contents of the
above-identified specification, including the claims.

5 We acknowledge the duty to disclose information which is material to the
examination of this application in accordance with Title 37, Code of Federal
Regulations, Section 1.56(a).

We verily believe our original Letters Patent No. 6,206,477 to be wholly or partly
inoperative by reason of our claiming less than we had a right to claim in the patent.

10 All errors being corrected in the reissue application up to the time of the filing of
the oath and declaration arose without any deceptive intention on the part of the
applicants.

That we have added claims 25-30 which are broader than the claims as issued in
the above patent.

15 That the error by which claims 1-24 were obtained which claim less than we had
a right to claim arose without any deceptive intention.

20 That the new claims presented in this application are put forward to include within
the scope of the patent embodiments which we had a right to claim in the patent as
issued, but failed to do so through error and without deceptive intent. In particular, we
state that the newly presented claims differ from those of the original patent by the
following:

25 Claim 25 has been added and is broader than the original claims in that claim 25
does not describe that the dump box is mounted on the forward end of a frame.

1 Claim 26 has been added and is broader than the claims of the original patent in
that it depends from claim 25 and does not describe a dump box mounted on the
forward end of a frame.

5 Claim 27 has been added and is broader than the claims of the original patent in
that it depends from claim 26 and does not describe a dump box mounted on the
forward end of a frame.

10 Claim 28 has been added and is broader than the claims of the original patent in
that it depends from claim 27 and does not describe a dump box mounted on the
forward end of a frame.

15 Claim 29 has been added and is broader than the claims of the original patent in
that it depends from claim 28 and does not describe a dump box mounted on the
forward end of a frame.

20 Claim 30 has been added and is broader than the claims of the original patent in
that it depends from claim 29 and does not describe a dump box mounted on the
forward end of a frame.

That the facts surrounding the errors in the claims and the discovery of the errors
in the claims are as follows:

25 1. At the time we originally disclosed our invention to our attorney, Dennis L.
Thomte, we expressed the view that the invention was directed to an improved yard
waste handling apparatus for the efficient storage and transportation of grass clippings
and other debris. We advised Mr. Thomte that the invention includes a dump box

1 mounted to a trailer or truck. We did not advise Mr. Thomte that the invention should include the limitation of a dump box mounted on the forward end of a frame.

5 When we executed the original application papers, we did not realize that Mr. Thomte had not drafted claims similar to claims 25-30 of this application. Further, when we executed the original application papers, we did not realize that Mr. Thomte limited the invention to a dump box mounted on the forward end of a frame. We are not patent experts. When we reviewed the originally drafted claims, we did not understand that those claims included structure which is not necessary in our broadest concept.

10 It was only after the original patent issued that we came to realize that a dump box mounted on the forward end of a frame was claimed. It was only after a recent conference with Mr. Thomte that we realized that the original patent claims claimed less than we had a right to claim, that is, broad claims directed to a dump box mounted on a frame.

15 2. As stated in paragraph 1 above, in approximately July of 2001, subsequent to the issuance of the patent, it was realized that the claims limited the invention to a dump box mounted on the forward end of a frame. This discovery arose as a result of discussions between William V. Rexus and Dennis L. Thomte. This mounting position unduly limited the patent protection of the invention.

20 3. The above discussions led to a final conclusion, in July 2001, that the patent was inoperative by reason of claiming less than we had a right to claim.

25 That this reissue application is filed within two years of the date of issue of the original patent.

1 That we hereby appoint Dennis L. Thomte, Registration No. 22,497, of the firm of
ZARLEY, McKEE, THOMTE, VOORHEES & SEASE, to prosecute this application and
to transact all business in the Patent Office connected therewith.

5 Please send correspondence to Dennis L. Thomte, ZARLEY, McKEE, THOMTE,
VOORHEES & SEASE, 801 Grand Avenue, Suite 3200, Des Moines, IA 50309; direct
telephone calls to (402) 392-2280.

10 We further declare that all statements made herein of our own knowledge are
true, and that all statements on information and belief are believed to be true; and
further that these statements were made with the knowledge that willful false statements
and the like so made are punishable by fine or imprisonment, or both, under Section
1001 of Title 17 of the United States Code, and that such willful false statements may
jeopardize the validity of the application or any patent issuing thereon.

15 William V. Rexus
WILLIAM V. REXUS

8-9-01
Date

Douglas A. Rexus
DOUGLAS A. REXUS

8-14-01
Date

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9[f] and 1.27[b]) - INDEPENDENT INVENTOR**

Applicant or Patentee: WILLIAM V. REXUS, ET AL.

Serial or Patent No. : _____

Filed or Issued: _____

Title: YARD WASTE HANDLING APPARATUS

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office described in:

- ☒ [X] the specification filed herewith with title as listed above.
- ☐ [] the application identified above.
- ☐ [] the patent identified above.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract, or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

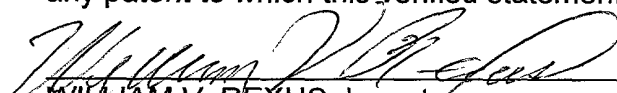
Each person, concern or organization to which I have assigned, granted, conveyed or licensed, or am under an obligation under contract or law to assign, grant, convey or license any rights in the invention, is listed below:

- ☒ [X] no such person, concern or organization exists.
- ☐ [] each such person, concern or organization is listed below.

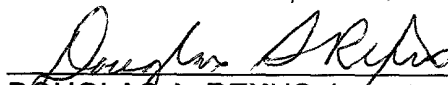
Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28[b]).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.


WILLIAM V. REXUS, Inventor

Date: 8-14-01


DOUGLAS A. REXUS, Inventor

Date: 8-14-01